In the first place, the distinction between commercial law and general private law is not a division to which one who is trained in the common law takes kindly. Even those trained in the civil law, as the author points out in his introductory chapter, are not agreed as to the propriety or nature of the distinction. In the second place, and perhaps more important, the provisions of the codes are often very general in terms, and the precise bearing of a provision on a particular state of facts cannot be fully understood. Though the author occasionally cites the decisions of courts, his work in the main consists of a classification and restatement of code provisions. One who has a difficult practical question will often find that there is nothing in this book, nor in the general language of the codes from which it is taken, to give him any help. In the chapter devoted to mercantile contracts, for instance, there is nothing to indicate how far a failure of performance by one party to a bilateral contract excuses the other party from his obligation.

The value of the book is increased by a glossary of Latin-American legal terms and by bibliographies. The index might with advantage have been made somewhat fuller.

S. W.

ORAL AND WRITTEN PLEADING IN ATHENIAN COURTS. By George Miller Calhoun. 50 Transactions and Proceedings of the American Philological Association, 177 (1919).

American lawyers will find much to interest them in the papers on Greek law which are frequently read at the meetings of the American Philological Association. In 1919 Professor Calhoun propounded the thesis that complaints in the Athenian Courts were presented orally until about 370 B. C. Although he speaks of these complaints as pleadings, it must be remembered that most of the Athenian proceedings were criminal in character, being either prosecutions or actions to recover a penalty. In support of his position, he quotes the Clouds of Aristophanes, in which the hero remarks that if an action were being entered against him, he would get a magnifying glass and melt out the writing that constituted the record of his case as fast as the clerk put it down on the wax tablet, a method not entirely unlike the modern plan of burning down court houses in order to interrupt prosecutions. The device would have been much less effectual if the clerk were merely copying a written complaint. Probably the clerk was writing down what was orally stated to him. Professor Calhoun's conclusion is rested on additional evidence both grammatical and historical. He thinks that the substitution of written for oral complaints was contemporaneous with the transition from witnesses to written depositions — a step exactly the opposite of what has taken place in our law.

Z. C., JR.